

Department of Early Learning

10.2.7

Civil Penalty Procedure

1. DEL may impose a civil penalty (fine) under the following conditions:
 - a. A facility not exempt from licensing as stated in RCW 43.215.010 and is providing unlicensed child care;
 - b. Any violation of the minimum licensing requirements.

Intent to Fine

2. The licensor must notify the licensee in writing of DEL's intention to impose a fine:
 - a. For licensed facilities this will be accomplished by the completion of a Compliance Agreement in accordance with the department's compliance agreement policy and procedure.
 - b. For unlicensed facilities the notice of intent to impose a fine is included in the DEL letter 10.10.4 Inquiry to Potentially Unlicensed Child Care Provider.

Imposition of a fine

3. If DEL personnel impose a fine on a licensed Child Care facility, staff will complete the notice to the provider using the DEL letter 10.10.15 Notice of Imposition of Civil Penalties on Licensed Child Care for the supervisor's review and signature.
4. If DEL personnel impose a fine based on the facility providing unlicensed child care services, staff will send a notice to the provider using the DEL letter 10.10.16 Notice of Imposition of Civil Penalties on Unlicensed Child Care.
5. The licensor must:
 - a. Get supervisor approval before imposing any fine.
 - b. Get ASAM approval for fines that exceed the amount of \$1000.00;
 - c. Document the assessment, amount of the fine and approval in a FamLink provider note.
 - d. Email the 10.10.15 Notice of Imposition of Civil Penalties on Licensed Child Care letter to OFR at VENDOROP@dshs.wa.gov
 - e. Follow up to determine if payment has been made by utilizing the Vendor Accounts Receivable (VAR) at <http://fsa.dshs.wa.gov/reporting/default.asp>, staff with supervisor if further action is needed.
6. Civil penalties may not exceed \$150.00 per day, per violation at a family child care home or \$250.00 per day, per violation at a child care center or school age program.
7. Fines may be imposed in addition to and at the same time as other legal actions against a child care facility.
8. The licensee has a right to a hearing under RCW 43.215.307 and WAC 170-03. If the civil penalty is overturned at a hearing the licensor must notify OFR at VENDOROP@dshs.wa.gov

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9. The Notice of Imposition of Civil Penalties on Licensed Child Care Facility 10.10.15 must be posted in the facility in a location where it is visible by both child care staff, parents and guardians.